

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

<b>ROCKLAND D. JOHNSON,</b>	)	
	)	
<b>Petitioner,</b>	)	
	)	
<b>v.</b>	)	<b>Case No. 04-CV-724-JHP-PJC</b>
	)	
<b>MARTY SIRMONS,</b>	)	
	)	
<b>Respondent.</b>	)	

**ORDER**

On September 2, 2009, Petitioner, a state inmate appearing *pro se*, filed a notice of appeal (Dkt. # 20). He appeals the Court's Opinion and Order, filed March 23, 2009 (Dkt. # 18), denying his petition for writ of habeas corpus. The Court entered Judgment in favor of Respondent on March 23, 2009 (Dkt. # 19). By Order filed September 4, 2009 (Dkt. # 23), the Court denied a certificate of appealability and directed Petitioner to either pay the \$455 appellate filing fee or file a motion to proceed on appeal *in forma pauperis*. On September 15, 2009, Petitioner filed a motion to proceed on appeal *in forma pauperis* (Dkt. #24).

Based on representations in the motion to proceed on appeal *in forma pauperis*, the Court finds Petitioner is currently without funds sufficient to prepay the full filing fee. Therefore, his motion to proceed *in forma pauperis* shall be granted and he may proceed on appeal without prepayment of the filing fee.

**ACCORDINGLY, IT IS HEREBY ORDERED** that Petitioner's motion to proceed on appeal *in forma pauperis* (Dkt. # 24) is **granted**. Petitioner may proceed on appeal without prepayment of the filing fee.

DATED THIS 22nd day of September 2009.



James H. Payne  
United States District Judge  
Northern District of Oklahoma